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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/923,570 | 08/06/2001 | Allen P. Hartman | 3123-374 | 3113 |

7590 06/25/2003

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| EXAMINER |
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KAPADIA, VARSHA A

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| ART UNIT | PAPER NUMBER |
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2651

DATE MAILED: 06/25/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/923,570

Applicant(s)

HARTMAN ET AL.

Examiner

Varsha A Kapadia

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-26 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Rejection Under 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-9,11 and 23-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Duffy (6,084,738).

With regards to claim 1, Duffy discloses a servo track writer comprising a digital signal processor and a clock head as claimed (see fig.9 elements 182, 180, fig.10 and disclosure thereof).

With regards to claim 3, Duffy discloses a divide-by-M circuit to generate interrupt signal (see col.8 lines 24-28).

With regards to claims 4-5, see Duffy on col.7 line 27 to col.9 line 17.

With regards to claim 6-7, Duffy discloses clock head assembly and a phase locked loop which receives the amplified clock signals (see fig.9 and 10 elements 180 and 182; wherein amplifier is considered to be inherent in the clock head assembly).

With regards to claim 8, Duffy discloses a divide-by-M circuit to divide the clock signal (see col.8 lines 24-28 and fig.10).

With regards to claim 9, see Duffy on col.14 lines 6-27 and 51-64.

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Claim 11, is drawn to the method of using the corresponding apparatus recited in claim 1. Therefore method claim 11 corresponds to apparatus claim 1 and is rejected for the same reasons of anticipation as used above.

Claims 23-24 recite limitations similar to those treated in the above rejection and are met by the references as discussed above. Claim 23 however also recites circuit for converting the amplified clock signals to digital clock signal. Such is considered to be inherent in the apparatus disclosed by Duffy because as shown Duffy discloses digital to analog converter when the signal is output from the processor, therefore input to the processor must have been converted to digital signal.

Rejection Under 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 12-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duffy in view of Watanabe et al.

With regards to claims 2 and 12-14, Duffy discloses a servo track writer as described above in this office action, Duffy further discloses positioning a transducer over the disk surface as claimed. Duffy fails to further specify that the servo information is written in a spiral patterns.

Watanabe et al discloses that the servo information may be recorded on concentric or spiral tracks (see col.2 lines 12-36).

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It would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify the servo track writer disclosed by the Duffy with the above mentioned teachings from Watanabe et al to provide a capability to record tracks in a spiral patterns as well as concentric patterns. Since both are alternate recording formats and no unexpected results are to occur.

With regards to claims 15-22, Watanabe et al further discloses generating spiral profiles and writing spiral patterns including sync marks onto the disk surface (see figs 22 and 12). Watanabe et al is relied upon for the same reasons.

Allowable subject matter

Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants' claim 10 differs from the prior art of record by specifically reciting a servo track writer comprising a crystal which provides interrupt signals to the digital signal processor and a switch to selectively provide interrupt signals to the digital signal processor from the clock head and the crystal.

Prior art cited

Reference to Golowka et al (6,388,833) cited as of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Varsha A Kapadia whose telephone number is (703) 305-4198. The examiner can normally be reached on Mon-Wed from 6:30 AM to 2:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (703) 308-4825. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 746-4959 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



VK
June 24, 2003



DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600